

This Section for DOGM Use:

Assigned DOGM File No.: S 0311009

DOGM Lead: LMK

Permit Fee \$ 150.00 Ck # Transfer from
Sister agency

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Telephone: (801) 538-5291 Fax: (801) 359-3940

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The informational requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program.

"Small Mining Operations" means mining operations which disturb five or less surface acres at any given time.

I. GENERAL INFORMATION (Rule R647-3-104)

1. Name of Mine: Kingston Canyon Rock
2. Name of Person or Entity Applying for Permit: Utah Division of Wildlife Resources
Address: P.O. Box 606
City, State, Zip: Cedar City, Utah 84721
Phone: (435) 865-6108 Fax: _____
E-mail Address: stanbeckstrom@utah.gov

Company () Corporation () Partnership () Individual ()

Other ☒ - specify type Utah State government agency

A corporation must be registered with the State of Utah, Division of Corporations. Are you currently registered to do business in the State of Utah? ☐ Yes ☐ No

Business License # _____

Registered Agent (as identified on business license): _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____

3. Name of Operator (if different from #2) _____
Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

RECEIVED

AUG 02 2004

DIV. OF OIL, GAS & MINING

If Partnership or Individual:**Name of 1st owner / partner:** _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail Address: _____

Name of 2nd owner / Partner: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail Address: _____

If Corporation or Limited Liability Entity:**Name of Officers:** _____

Title: _____

Title: _____

Title: _____

Title: _____

4. **Permittee / Operator Representative** (if different from #3):Name: Stan BeckstromAddress: P.O. Box 606City, State, Zip: Cedar City, UT 84721Phone: (435) 865-6108

Fax: _____

E-mail Address: stbeckstrom@utah.gov5. **Ownership of Land Surface:**Private (Fee) ☐ Public Domain (BLM) ☐ National Forest (USFS) ☐State Trust Land/School Sections ☒ State Sovereign Lands ☐

Other (please describe): _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

6. **Ownership of Minerals:**Private (Fee) ☐ Public Domain (BLM) ☐ National Forest (USFS) ☐State Trust Land/School Sections ☒ State Sovereign Lands ☐

Other (please describe): _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

BLM Lease or Project File Number(s) and/or USFS assigned Project Number(s): _____

Utah State Lease Number(s): _____

Name of Lessee(s) _____

7. **Have the above surface and mineral owners been notified in writing?**Yes X No _____If no, why not? Mineral Materials Permit Application has been filed with State Trust Lands.

Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration **prior** to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5508 for notification requirements.

8. **Does the Permittee / Operator have legal right to enter and conduct mining operations on the land covered by this notice?** Yes _____ No X pending**II. PROJECT LOCATION & MAP (Rule R647-3-105)**1. **Project Location** (legal description):County(ies): Piute

SE 1/4, of NW 1/4, of SE 1/4: Section: 16 Township: 30S Range: 2 1/2 W
 _____ 1/4, of _____ 1/4, of _____ 1/4: Section: _____ Township: _____ Range: _____
 _____ 1/4, of _____ 1/4, of _____ 1/4: Section: _____ Township: _____ Range: _____

UTM East 401658 (if known) UTM North 4228203 (If known)
401795 4228116Name of Quad Map for Location: Phonolite Hill

2. An accurate topographic base map showing the location of the proposed small mining operation must be submitted with this notice. A USGS 7.5 minute series map is preferred. The areas to be disturbed should be plotted in sufficient detail so that they can be located on the ground. It is recommended that the Permittee / Operator also photo document, plot and label any pre-existing disturbances in the immediate vicinity that he is not responsible for.
3. The proposed (5 acre or less) disturbed area boundary (including access/haul roads) **should** be marked in the field ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers should be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

III. OPERATION PLAN (Rule R647-3-106)

1. Type of mining: Surface ☒ Underground ☐
2. Mineral(s) to be mined: Rhyolite rock
3. Amount of material to be extracted, moved or proposed to be moved: about 1,000 cubic yards
4. Will any water, liquid chemicals, reagents, or other solutions be used, produced or discharged as part of the mining or milling process?
Yes ☐ No ☒ If yes, please describe (add extra pages if needed)

5. Provide a brief description of the proposed mining operation and onsite processing facilities (add extra pages if necessary). Large rock (2'-5' diameter) that is exposed at the surface will be collected with an excavator, loaded into a dump truck and hauled to the river. Rock will be used to stabilize eroding stream banks and create fish habitat.
6. ☐ New Road(s): Length _____ (ft) Width _____ (ft) None
7. ☒ Improved Road(s): Length 500 (ft) Width 20 (ft)
8. Total project surface acreage to be disturbed: 2 1/2 (acres) PLEASE SPECIFY EXACT ACREAGE - (this will be used to determine surety bond amount - see #VI).
9. Proposed startup date of project (month, year) September 2004
10. Proposed completion date of project, if known (month, year) November 2004

IV. OPERATION AND RECLAMATION PRACTICES (Rule R647-3-107, 108 & 109)

The reclamation and operation obligation is to keep the area clean and safe, minimize hazards to public safety, return the land to a useful condition, and reestablish at least 70 percent of the premining vegetative ground cover. To accomplish this, the Permittee / Operator will need to perform reclamation concurrently, or at the completion (within one (1) year) of mining:

1. Keep the mining operation in a safe, clean, and environmentally stable condition.
2. Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.
3. Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination.
4. Construct berms, fences, or barriers, when needed, above highwalls and excavations.
5. Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.
6. Remove all waste or debris from stream channels.

7. Dispose of any trash, scrap metal, wood, machinery, and buildings.
8. Conduct mining activities so as to minimize erosion and control sediment.
9. Reclaim all roads that are not part of a permanent transportation system.
10. Stockpile topsoil and suitable overburden prior to mining.
11. Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.
12. Properly prepare seedbed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.
13. Reseed disturbed areas with adaptable species. (The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.)
14. Plant the seed with a rangeland or farm drill, or broadcast the seed. Fall is the preferred time to seed.

V. VARIANCE REQUEST (Rule R647-3-110)

Any variance request must be approved in writing by the Division

Yes ☐ No ☒

Any planned deviations from Rules R647-3-107, Operation Practices, R647-3-108, Hole Plugging Requirements, or R647-3-109, Reclamation Practices, as summarized above, should be identified below and justification given for the variance request(s).

<u>Item Number</u>	<u>Variance Request Justification</u>
_____	_____
_____	_____
_____	_____

VI. SURETY (Act 40-8-7(1)[c])

The surety must be provided to and approved by the Division prior to commencement of operations.

The Utah Mined Land Reclamation Act (40-8-7 (1)[c] and 40-8-14 provides the authority that all mining operations furnish and maintain reasonable surety to guarantee that the land affected is reclaimed according to approved *notices* consistent with on-site conditions. The surety amount is based on the nature, extent and duration of operations. These amounts are based on data from current large mine surety and are used as a general guide, along with actual site conditions.

\$5,000 for the 1st acre; and

\$3,000 for each additional acre.

Acceptable forms of surety may include: certificates of deposit, letters of credit, surety bonds & cash. Please identify which type of surety you will post so we can provide you with the appropriate forms.

☐ Certificate of Deposit ☐ Letter of Credit ☐ Surety Bond ☐ Cash
☐ Other _____ (please identify)

(please be advised that the State Treasurer's office may require additional monies to administer cash sureties).

Check if applicable:

☐ Reclamation surety is already posted with another regulatory agency (copy must be included as proof):
 \$ _____ (amount) _____ (Agency name)

Please see attached cover letter requesting an exemption from a Surety Bond.

VII. PERMIT FEE [Mined Land Reclamation Act 40-8-7(1)(i)]

The Utah Mined Land Reclamation Act of 1975 [40-8-7(1)(i)] provides the authority for the assessment of permitting fees. Commencing with the 1998 fiscal year (July 1 - June 30), permit fees are assessed to new and existing notices of intention, and annually thereafter, until the project disturbances are successfully reclaimed by the Permittee / Operator and released by the Division.

Permit Fee has been paid as described in the attached cover letter.
Small Mine Notices require a \$150.00 fee which must accompany this application or it cannot be processed by the Division.

NOTICE: The following person(s) are authorized and designated to receive Notices of Violations, Cessation Orders and all other Notices required by the Division to be given to the permittee or operator:

Name: Stan Beckstrom
 Address: P.O. Box 606
 City, State, Zip: Cedar City, UT 84721
 Phone: (435) 865-6108 Fax: _____
 E-mail Address: stanbeckstrom@utah.gov

Name: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____ Fax: _____
 E-mail Address: _____

VIII. SIGNATURE REQUIREMENT

I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

(Please check the box and place your initials on the line provided)

SMB ☒ SMB ☒

I have enclosed the required permit fee.

SMB ☒

I have also enclosed the appropriate reclamation surety amount or have made arrangements as to when the surety will be furnished.

SMB ☒

I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Oil, Gas and Mining and any other authorized regulatory agency.

(Note: If a company or corporation, this form must be signed by the owner or officer who is authorized to bind the company/corporation to this Notice.)

Signature of Permittee/ Operator/ Applicant: Stan Beckstrom

Name (typed or printed): Stan Beckstrom

Title/Position (if applicable): Aquatics Biologist

Date: 7/29/04

UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION MINERAL MATERIALS PERMIT APPLICATION

PERMIT NO. _____

FUNDING Checked _____

Utah Div: Wildlife Resources		
NAME <u>Stan Beckstrom</u>	PHONE: <u>(435) 865-6108</u>	
STREET: <u>P.O. Box 606</u>		
CITY: <u>Gedard City</u>	STATE: <u>UT</u>	ZIP: <u>84721</u>

SCH _____	IB _____
MH _____	USH _____
NS _____	SYDC _____
SM _____	RES _____
UNIV _____	PB _____
D&D _____	USU _____

TOTAL _____

Applicant hereby applies for a mineral materials permit to extract the mineral commodity Rhyolite rock from following described lands located in Piute County, Utah.

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4, SE 1/4	16	30S	2 1/2 W	40
Attach additional sheets if necessary				TOTAL ACRES: 40

Applicant offers \$ 500.00, including a non-refundable application fee of \$100.00 plus one year advance rental @\$10.00 per acre. Applicant agrees to pay a production royalty as determined by the Trust Lands Administration, but not less than \$ 10.00 per short ton nor less than _____ % Gross Value. Applicant agrees to accept the mineral materials permit issued by the Trust Lands Administration and to perform all operations and obligations in accordance with the terms and conditions of the permit and the Laws of the State of Utah.

The Trust Lands Administration reserves the right to reject this permit application in its sole discretion. Applicants acquire no vested rights prior to the execution of the permit. If this application is rejected by the director, or withdrawn by the applicant in writing prior to approval of the application by the Director, the applicant shall receive a refund of rental and bonus payments, but the non-refundable application fee is forfeited to the state.

July 29, 2004
DATE

Stanley Beckstrom
APPLICANT SIGNATURE

State of Utah)
County of)

The applicant(s) listed above _____ being first duly sworn, deposes and says that _____ is (are) the applicant(s) named above. (If Corporation, complete the following) The applicant is a corporation organized under the laws of the United States of territory of _____ and that the above signed is a duly qualified agent of said corporation; and that such association of corporation has fully complied with the laws of the State of Utah relative to qualifications to do business within the State of Utah and is not in default under any such laws.

Subscribed and sworn before me this _____ day of _____, 20____

Notary Public, residing at:
My Commission Expires:

Plan of Operations
Kingston Canyon Rock

Submitted to

Utah School and Institutional Trust Lands Administration

By

The Utah Division of Wildlife Resources
Southern Region Office
Cedar City, Utah

The Utah Division of Wildlife Resources (UDWR), Southern Region, P.O. Box 606, Cedar City, Utah 84721, submits this Mineral Materials Permit Application and Plan of Operations to SITLA for approval to commence mining of large rock material to be used in a nearby stream restoration and enhancement project on property owned by the UDWR. Stan Beckstrom of the UDWR, Cedar City office (435) 865-6108, is the UDWR contact person. Please direct and send all questions, information and approvals to him.

Large rock, 2-5 foot diameter, would be collected using a track-driven excavator from a rocky talus slope below cliffs and transported by truck to the East Fork Sevier River, where it will be used to stabilize eroding stream banks and create fish habitat.

Location

The rocky talus slope is located at T 30 South, R 2 1/2 West, nw1/4 se1/4, section 16, SLBM, in Piute County, about 5 miles east of the town of Kingston along State Highway 62. Less than 5 acres of surface area would be disturbed during all operations of removing rock. See attached maps.

Description of Environment

Many of the cliffs in Kingston Canyon are composed of rhyolite rock that has fractured and eroded forming large talus slopes. The mining project site is a south-facing slope with sparse vegetation of grasses and a few sagebrush and four-winged salt brush present. The talus slope is several hundred yards off of State Highway 62. At one time, maybe 20 years ago, a small road was cut into the hillside and some large rock removed. No rights-of-ways, pipelines, utility lines, fences, buildings, stream channels, water bodies, wetlands, or other structures are located at the project site and none will be impacted. See the two attached photos showing the rock and old road cut.

Description of Methods and Operations

An excavator will collect large rock from the surface and load it into dump trucks to be hauled to the river restoration project site. Rock will be collected where it is easiest to get to. Only rock exposed at the surface would be collected. The short old road that exists is about 150 yards long from the flat valley bottom, angling up and across the hillside to the talus slope. This road would be used to access the rock talus slope up higher and rock removed there. The road would need some minor repair work such as smoothing and clearing, but would remain as gravel/dirt and not be extended past the current location. There is already an existing access road off from State Highway 62 to the project site.

It is estimated that 1,000 cubic yards of large rock would be removed from the area, which is a small portion of the overall amount of large rock that exists in the vicinity.

Reclamation

All disturbed areas will be regarded and contoured to blend in naturally with the surrounding contours, except the road will be left in place for possible future use. If SITLA desires the road to be removed it can be covered and re-contoured as well. All trash, debris and other material related to the rock excavation will be removed. No dangerous cuts, trenches, or high walls will be created or remain. All disturbed areas will be reseeded with an appropriate native seed mixture of grasses and shrubs.

Archeological and Cultural Resources

A qualified archeologist, Kathie Davies, whom works for the UDWR has conducted a field survey of the project site and determined that no archeological, historical or cultural resources exist and none will be impacted. A letter requesting written approval and clearance to collect rock has been submitted to the Utah State Historical Preservation Office (SHPO). Work will not begin prior to approval by SHPO.

Other Agencies

A Notice Of Intention To Commence Small Mining Operations is being submitted concurrently to the Utah Division of Oil, Gas and Mining. No work will begin prior to approval by the Division of Oil, Gas and Mining and the operation will follow all of their rules.

Photos taken in March 2004 showing the rock talus slopes and old road.



The old road cut extends from the right center of the picture almost to the center of the photo. Rock would be collected from the area where the road ends and along the bottom of the hillside.



View looking down the old road cut to State Highway 62. Rock in the foreground would be collected.



